

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No: 10/632,284 Confirmation No: 5081
In Re Application of: Tour *et al*
Filing Date: August 1, 2003
Art Unit: 1712
Examiner: Robert E. Sellers
Docket No.: 11321/P022WUD3
Customer No.: 61,060

Title: PROCESS FOR MAKING POLYMERS COMPRISING DERIVATIZED CARBON NANOTUBES AND COMPOSITIONS THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AFFIDAVIT OF MICHAEL J. BRONIKOWSKI UNDER 37 C.F.R. §1.132

BEFORE ME, the undersigned authority on this day personally appeared Michael J. Bronikowski who made the following written verification:

1. My name is Michael J. Bronikowski. I am over the age of eighteen (18) years and am of sound mind, have never been convicted of a felony, and am competent to testify herein. The matters set forth herein are within my personal knowledge and are true and correct.

2. In an Office Action mailed January 17, 2007, the Examiner rejected claims 97, 98 and 100 of the above referenced application under 35 U.S.C. §102(a), as being anticipated by Bahr *et al.*, *Journal of the American Chemical Society*, **2001**, 123, 6536-6542, having a web publication date of June 14, 2001. The same citation has been used to support a rejection of claims 97, 98, 100, 104-109, 134, and 135 in combination with Smalley *et al.* U.S. Patent No. 7,105,596 under 35 U.S.C. §103(a) of the Patent Act.

3. I am not one of three named inventors (the "inventive entity") in the present application, but I am a co-author of the Bahr *et al.* literature citation.

4. The portion of Bahr *et al.* relied upon by the Examiner is solely the inventive entity's work. Specifically the Examiner states, that Bahr *et al.* teaches incorporation of diazonium derivitized carbon nanotubes into polymer composite materials. The carbon nanotube derivitization process and incorporation into polymer composite materials are solely the inventive entity's conception and not my own.

5. Richard E. Smalley is a deceased co-author on Bahr *et al.* and is, therefore unable to provide an affidavit.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true.


Michael J. Bronikowski

Attorney Docket No. 11321-P022WUD3

PATENT

State of California §
County of Los Angeles §
§

On this, the 13th day of July, 2007, before me, a Notary Public in and for the State and County aforesaid, personally appeared before me Michael J. Bronikowski, well known and known by me to be the person of the above name who signed and sealed the foregoing instrument and acknowledged the same to be his own free act and deed.

NOTARY PUBLIC

SEAL

My Commission Expires: _____

ACKNOWLEDGMENT

State of California

County of Los AngelesOn July 13, 2007 before me, Camille A. Hayes, Notary Public
(here insert name and title of the officer)personally appeared Michael J. Bronikowski

~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be
the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),
or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Camille A. Hayes, Notary Public

(Seal)